

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 5, 2003

IN RE:

PETITION FOR EXPEDITED REVIEW OF
CENTRAL OFFICE CODE DENIAL BY
THE NUMBER POOLING ADMINISTRATION
RELATING TO WILLIAMSON COUNTY READY MIX

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DOCKET NO.
03-00394

ORDER APPROVING PETITION FOR
EXPEDITED REVIEW OF CENTRAL OFFICE CODE DENIAL
AND REVERSING CENTRAL OFFICE CODE DENIAL

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on July 21, 2003 for consideration of the *Petition for Expedited Review of Central Office Code Denial by the Number Pooling Administration Relating to Williamson County Ready Mix Company* filed by BellSouth Telecommunications, Inc. ("BellSouth") on June 17, 2003.

BACKGROUND

On June 18, 2001, the Federal Communications Commission ("FCC") designated NeuStar, Inc. as the national thousands-block number Pooling Administrator.¹ The Pooling Administrator currently administers thousands-block number pools by assigning, managing, forecasting, reporting, and processing data that will allow service providers in

¹ In the Matter of Numbering Resource Optimization, CC Docket No. 99-200 (*Third Report and Order and Second Order on Reconsideration*) 17 FCC Rcd. 252, 2001 WL 1658101, ¶ 11 (Dec. 28, 2001) (hereinafter "*Third Report and Order*"); see also 47 C.F.R. § 52.15(a).

areas designated for thousands-block number pooling to receive telephone numbers in blocks of 1,000. On March 14, 2002, thousands-block number pooling was implemented in the 615 NPA, which includes the Franklin Rate Center, the Central Office servicing Williamson County Ready Mix Company ("Ready Mix"). Since then, telecommunications service providers participating in number pooling in that area are required to submit their requests for additional numbering resources to the Pooling Administrator.

On May 21, 2003, BellSouth submitted an application to the Pooling Administrator to obtain numbering resources sufficient to satisfy the demands of its customer, Ready Mix, for a growth code in the 615 NPA area code. BellSouth sought forty sequential numbers in the 615 area code, citing Ready Mix's move to a new location and installation of new PRI ISDN lines. BellSouth submitted its application because it did not have sufficient numbers within its inventory to satisfy the request. The Pooling Administrator denied BellSouth's request on the ground that BellSouth had not met the utilization threshold required in the Central Office Code Guidelines.

On June 17, 2003, BellSouth filed with the Authority its *Petition for Expedited Review of Central Office Code Denial*. BellSouth asserts that its inability to supply Ready Mix, a large business customer, with the requested numbers within the same NXX code prevents BellSouth from providing the quality of service its customer expects. BellSouth further argues that providing the requested numbering resources would not materially impact the exhaustion of available numbers in the 615 area code. BellSouth requests that the Authority reverse the Pooling Administrator's denial of its application and order the release of numbering resources to meet Ready Mix's needs.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Review by the TRA of the Pooling Administrator's denial of BellSouth's application is authorized by the FCC.² State commissions conducting this review must act consistently with the FCC's policy of facilitating fair and efficient numbering administration in the United States and ensuring that numbering resources are available to all telecommunications service providers on a fair and equitable basis.³

At a regularly scheduled Authority Conference held on July 21, 2003, the voting panel assigned to this docket considered the *Petition for Expedited Review of Central Office Code Denial*. During deliberations, the Directors acknowledged that BellSouth's request had been investigated and BellSouth did not have sufficient numbers under the same telephone number prefix to satisfy Ready Mix's request. After consideration of the record, the public interest and this agency's responsibility to foster competition in the telecommunications industry,⁴ the panel voted unanimously to approve BellSouth's request for expedited review and reverse the Pooling Administrator's denial of BellSouth's request for additional numbering resources, specifically for the assignment of one thousand block from the same NXX to BellSouth for the Franklin Rate Center, Switch/POI designation FKLNTNMADSO.

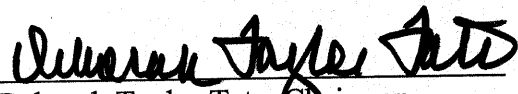
² *Third Report and Order*, ¶ 61; see also 47 C.F.R. § 54.15(g)(3)(iv).

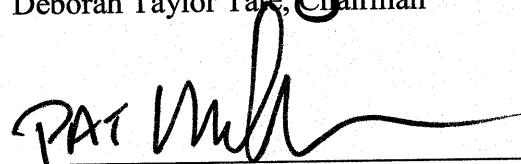
³ See, e.g., *In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200 (*Order*) 16 FCC Rcd. 15,842, 2001 WL 964979, ¶ 8 (Aug. 24, 2001) ("[T]he state commissions, to the extent that they act under the authority delegated herein, must ensure that numbers are made available on an equitable basis; that numbering resources are made available on an efficient and timely basis; that whatever policies the state commissions institute with regard to numbering administration not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers; and that the state commissions not unduly favor one telecommunications technology over another.").

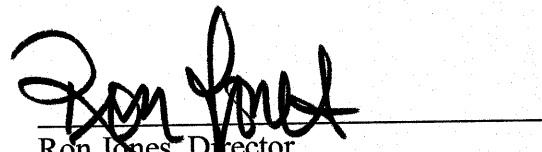
⁴ See Tenn. Code Ann. § 65-4-123.

IT IS THEREFORE ORDERED THAT:

1. The *Petition for Expedited Review of Central Office Code Denial* filed by BellSouth is granted.
2. The Pooling Administrator's decision to deny BellSouth's request for additional numbering resources is reversed for the reasons setforth herein.


Deborah Taylor Tate, Chairman


Pat Miller, Director


Ron Jones, Director